

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

01 OCT 2001 11:28

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5

Subfile No: CHGA-03-0023

MOTION TO VACATE CONSENT ORDER
AND FOR LEAVE TO FILE NEW CONSENT ORDER
IN SUBFILE CHGA-03-0023

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer, and moves the Court to enter its order vacating the Consent Order filed January 18, 2001, (Docket No. 6127) between the Plaintiff State of New Mexico and Defendants LEVI A. SANCHEZ and MARY SANCHEZ in subfile CHGA-03-0023, and granting leave for the State and Defendants to file a new Consent Order in connection with the Defendants' right to use the public waters of the Rio Chama Stream System, and as grounds therefore plaintiff states:

1. The State and Defendants Levi A. Sanchez and Mary Sanchez signed and approved a Consent Order concerning Defendants' water rights under Subfile CHGA-03-0023 based upon a boundary with neighboring landowners (Rogelio and Marcella Corrales) that was shown to state engineer hydrographic survey personnel in the field in October 2000. A boundary survey plat prepared July 31, 2001, for Defendants and the Corrales, and recently provided to the hydrographic survey staff, indicates that the boundary shown to state engineer personnel in the field was erroneous.

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There is no dispute between the Defendants and the Corrales that the true boundary between their property is shown in the boundary survey plat prepared July 31, 2001. Correction of the mapped irrigated acreage under subfile CHGA-03-0023 pursuant to the boundary survey plat survey will reduce the amount of irrigated acreage in subfile CHGA-03-0023 from 34.6 acres to 30.9 acres.

2. Counsel for the State has contacted the Defendants concerning the substance of this motion, and Defendants do not oppose vacating the Consent Order filed January 18, 2001, and the entry of a new Consent Order for subfile CHGA-03-0023 based upon a correct mapping of Defendants' property.

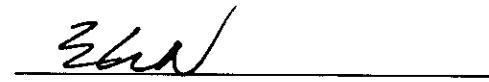
WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order vacating the Consent Order filed January 18, 2001, (Docket No. 6127) and granting leave for the State and Defendants to file a new Consent Order in connection with subfile CHGA-03-0023 concerning the Defendants' right to use the public waters of the Rio Chama Stream System.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing motion was mailed to the following persons on 10.24, 2001.


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